

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SAMUEL HOWARD.

Plaintiff,

v.

RENEE BAKER, et al.,

Defendants.

Case No. 3:13-cv-00163-MMD-VPC

**ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOKE**

14 Before the Court is the Report and Recommendation of United States Magistrate
15 Judge Valerie Cooke (dkt. no. 53) (R&R) relating to Defendants' motion for summary
16 judgment (dkt. no. 36) and Plaintiff's cross-motion for summary judgment (dkt. no. 42).
17 Objections to the R&R were due on January 31, 2015. No objection has been filed.

18 This Court “may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
20 timely objects to a magistrate judge’s report and recommendation, then the court is
21 required to “make a *de novo* determination of those portions of the [report and
22 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party
23 fails to object, however, the court is not required to conduct “any review at all . . . of any
24 issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
26 magistrate judge’s report and recommendation where no objections have been filed.
27 See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the
28 standard of review employed by the district court when reviewing a report and

1 recommendation to which no objections were made); see also *Schmidt v. Johnstone*,
2 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in
3 *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a
5 magistrate judge's recommendation, then the court may accept the recommendation
6 without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without
7 review, a magistrate judge's recommendation to which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R
10 and underlying briefs, this Court finds good cause to adopt the Magistrate Judge's R&R
11 in full.

12 It is therefore ordered, adjudged and decreed that the Report and
13 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 53) is accepted and
14 adopted in its entirety. Defendants' motion for summary judgment (dkt. no. 36) is
15 granted. Plaintiff's motion for summary judgment (dkt. no. 42) is denied.

16 The Clerk is directed to enter judgment in favor of Defendants and close this
17 case.

18 DATED THIS 27th day of March 2015.
19



20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28